



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 19, 2005 LOCAL EFFECTIVE DATE September 2, 2005 APPROX FINAL EFFECTIVE DATE September 23, 2005	CONTACT/PHONE Murry Wilson, Planner (805) 788-2352	APPLICANT Norman Evans	FILE NO. DRC2004-00238
SUBJECT Request by Norman Evans for a Minor Use Permit/Coastal Development Permit to allow a demolition of a single family residence, detached garage and garden walls. The project will result in the disturbance of approximately 2,500 square feet of an 8,750 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 404 Huntington Drive in the community of Cambria, in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2004-00238 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued (pursuant to CEQA Guidelines Section 15301) on July 20, 2005.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Terrestrial Habitat, Local Coastal Plan, Coastal Appealable Zone, Archaeological Study Area	ASSESSOR PARCEL NUMBER 022-313-031	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: N/A <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Plan, Archaeological Study Area and Terrestrial Habitat <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / Residence <i>South:</i> East-West Ranch / Vacant <i>East:</i> Residential Single Family / Residence <i>West:</i> Residential Single Family / Vacant	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Moderately to gently sloping	VEGETATION: Grasses, forbs, pines and coast live oak trees
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: July 6, 2005

PLANNING AREA STANDARDS: N/A

LAND USE ORDINANCE STANDARDS:

Terrestrial Habitat: Vegetation that is rare or endangered, or that serves, as habitat for rare or endangered species shall be protected. *Development has been sited to minimize disruption of the habitat and native plants. No native vegetation that is the basis of the Terrestrial Habitat designation was created will be removed with this project.*

Archaeological Study Area: *A preliminary site survey was conducted for the project site by CA Singer and Associates. The survey found no potentially significant cultural resources are present on the project site. From these results, no further mitigation is required.*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A
 Recreation and Visitor Serving: ☒ N/A
 Energy and Industrial Development: ☒ N/A
 Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A
 Environmentally Sensitive Habitats: ☒ Policy No(s): 1, 2, 30 and 35
 Agriculture: ☒ N/A
 Public Works: ☒ Policy No(s): 1
 Coastal Watersheds: ☒ Policy No(s): 7, 8 and 10
 Visual and Scenic Resources: ☒ Policy No(s): 7
 Hazards: ☒ N/A
 Archeology: ☒ Policy No(s): 4 and 6
 Air Quality: ☒ N/A

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies; the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The property is currently served with water but no development beyond demolition is proposed as a part of this project.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because no development is proposed with this project and any future development will be located on an existing lot of record in the Residential Single Family category on slopes of less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading / demolition is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new garage will not increase erosion or runoff.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 30: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 35: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized.

Visual and Scenic Resources:

Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized.

Archeology:

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas: This policy applies to this project. A preliminary site survey was conducted for the project site by C.A. Singer and Associates. The survey found no potentially significant cultural resources are present on the project site.

Policy 6: Archaeological Resources Discovered During Construction or through Other Activities: If substantial resources are discovered during construction of new development, or through non-permit related activities, all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: NCAC had no comments on this project

AGENCY REVIEW:

Public Works – Recommend approval. No concerns with demolition.

Cambria Community Services District – OK to demolish, fixture count documented for credit on re-build.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. Cambria Pines Manor Unit 5 Block 64 Lots 24 through 28 and have been consolidated into one site.

Staff report prepared by Murry Wilson and reviewed by Matthew Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 1 Categorical Exemption (pursuant to CEQA Guidelines Section 15301) because the project consists of the demolition of the existing residence, garage and garden walls.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed or impacted they will be replaced.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the demolition does not propose tree removal and minimizes site disturbance.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if pine trees are removed, they will be replaced on a two-to-one basis. Oak trees will be replaced on a four-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- M. The project or use will not significantly disrupt the habitat, because the site will be cleared of existing structures and protection of resources will be provided during the demolition of the structures.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the demolition of a single family residence, detached garage and garden walls.
2. All permits shall be consistent with the approved Site Plan.

Grading, Drainage, Sedimentation and Erosion Control

3. **Prior to issuance of a construction permit**, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan prepared by an appropriate design professional as determined by the County Public Works Department.
5. **Prior to or concurrently with on-site grading activities**, permanent erosion control devices shall be installed.
6. **During all grading activities**, grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
7. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
8. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Tree Protection/Replacement

In an effort to protect individual oak and pine trees, the mixed forest habitat, and the species that depend upon that habitat, the following measures shall be implemented:

9. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.

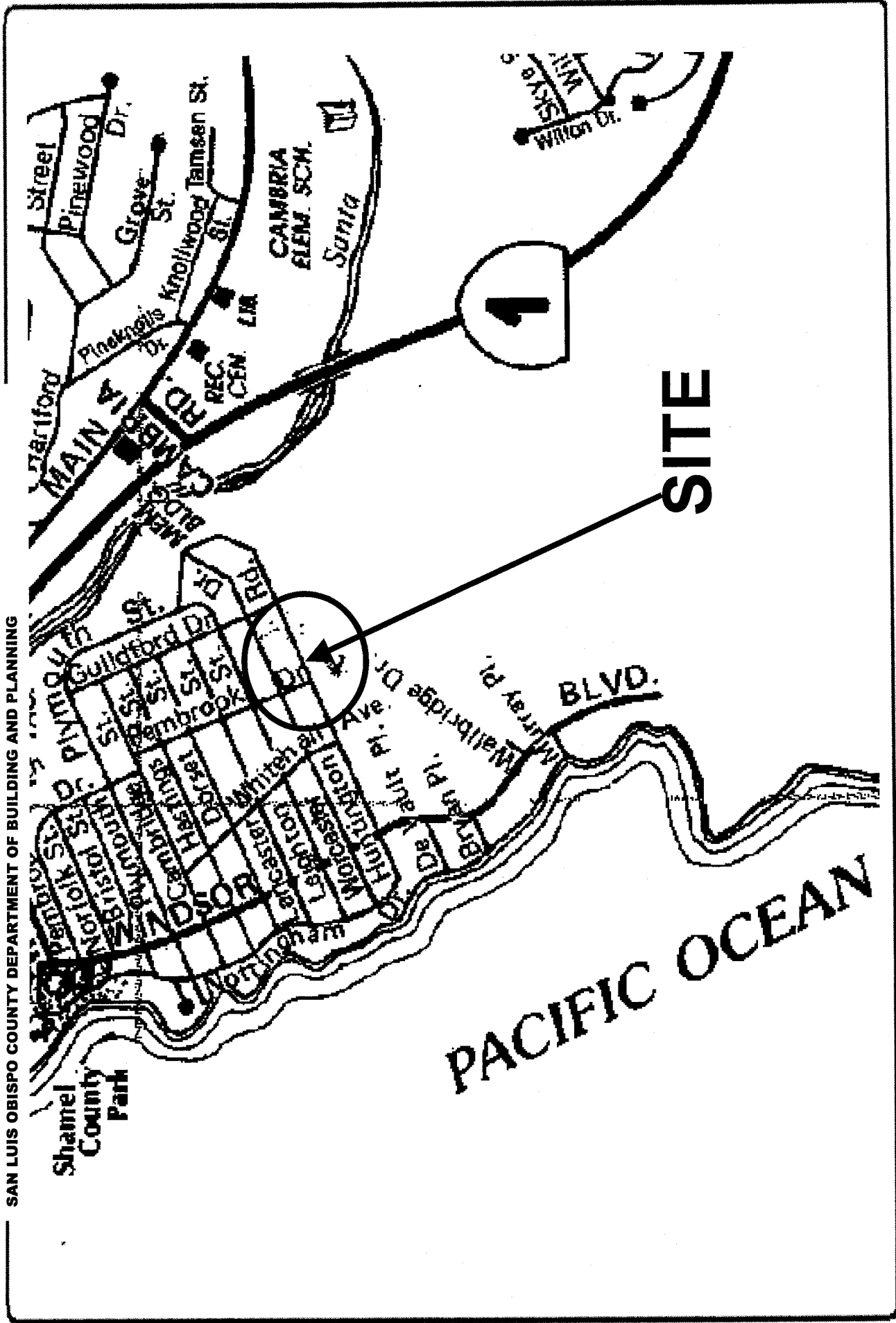
Archaeology

10. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Miscellaneous

- 11. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').



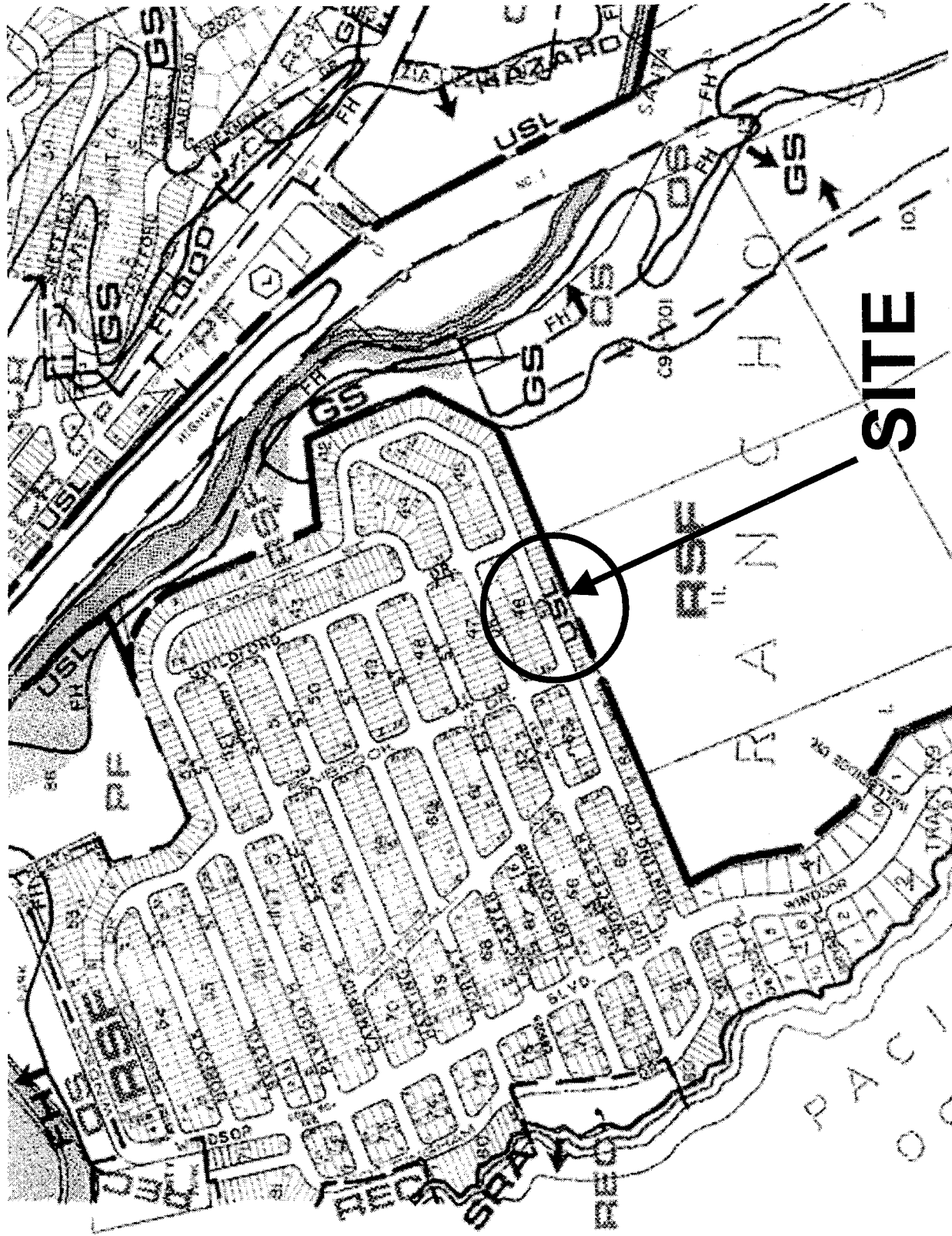
PROJECT

Minor Use Permit
Evans DRC2004-00238

EXHIBIT

Vicinity Map





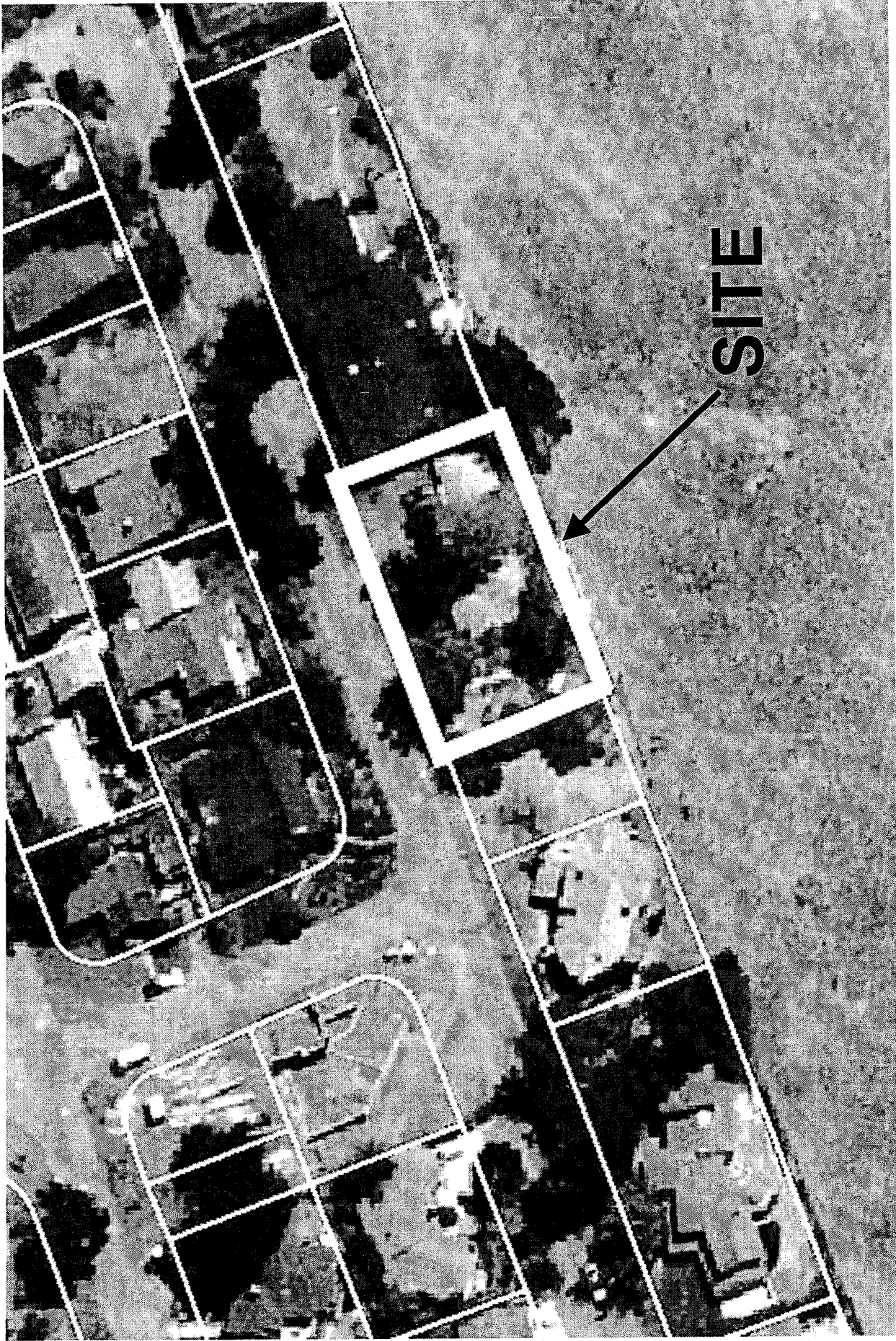
PROJECT

Minor Use Permit
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EXHIBIT

Land Use Category Map





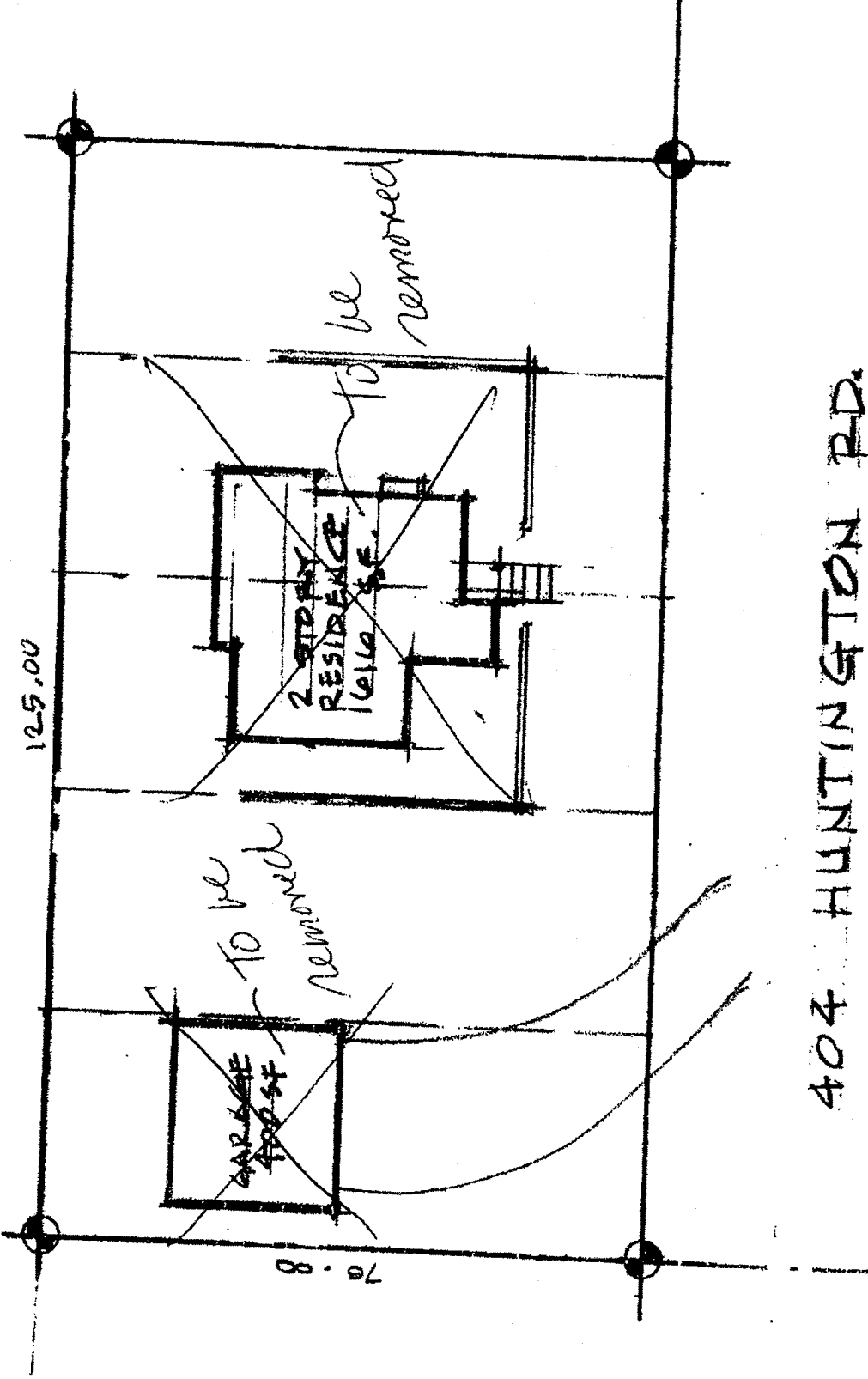
PROJECT

Minor Use Permit
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EXHIBIT

Aerial Photograph



SCALE 1" = 20'

PROJECT

Minor Use Permit
Evans DRC2004-00238

EXHIBIT

Vicinity Map

